

**RES13-029**

Wilmington, Delaware  
April 18, 2013

**#3813**

**Sponsor:**

**Council  
Member  
D. Brown**

**Co-Sponsor:**

**Council  
Member  
Williams**

**WHEREAS**, there has been an on-going effort by the State of Delaware Department of Justice to crack down on violent criminals; and

**WHEREAS**, legislative action is needed to toughen penalties for gun related violence; and

**WHEREAS**, Attorney General Joseph R. Biden, III and the Delaware General Assembly will propose measures that will focus on violent criminals who are prohibited from possessing firearms and continue to break the law and threaten the safety of the community; and

**WHEREAS**, the legislation as proposed by the General Assembly would:

**Impose a 1 year mandatory sentence for those convicted of unlawfully carrying a concealed firearm. Currently there is no minimum mandatory sentence for this crime.**

**Add the crime of "Possession of a Firearm During the Commission of a Felony" to the list of serious violent felonies that can trigger enhanced prison sentences under Delaware's habitual offender statute. The "Possession of a Firearm During the Commissions of a Felony" was not an offense when the habitual offender statute was enacted in 1970.**

**Significantly increase the prison sentences for violent offenders who are convicted of possessing a gun. Under current law the following minimum mandatory jail sentences apply: 1 year if the offender is previously convicted of a violent felony; 3 years if the offender committed a previous violent felony within 10 years; and 5 years if the offender was previously convicted of 2 or more violent felonies. This bill would increase those minimum mandatory jail sentences to 3 years if the offender is previously convicted of a violent felony; 5 years if the offender committed a previous violent felony within 10 years; and 10 years if the offender was previously convicted of 2 or more violent felonies.**

**Include juvenile adjudications for violent felonies in triggering the minimum prison sentences. Although juveniles found guilty of violent felonies are prohibited from possessing a gun, those juvenile "adjudications" under current law do not count as convictions that would trigger minimum jail sentences if they are later convicted of a gun offense.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Council supports Attorney General Joseph R. Biden, III and the General Assembly on their Criminal Justice Proposal to Toughen Penalties for Criminals Committing Crimes with Guns and encourages all General Assembly members to vote to approve the legislation.

Passed by City Council,  
April 18, 2013

Attest: \_\_\_\_\_  
City Clerk

Approved as to form this 17<sup>th</sup>  
day of April, 2013.

Thomas P. Carney  
Assistant City Solicitor